

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ZF MERITOR LLC and MERITOR  
TRANSMISSION CORPORATION

Plaintiffs,

v.

EATON CORPORATION,

Defendant.

C.A. No. 06-623-SLR

**DEFENDANT EATON CORPORATION'S  
MOTION TO TRANSFER TO THE MIDDLE DISTRICT OF NORTH CAROLINA**

Defendant Eaton Corporation (“Eaton”), a company headquartered and incorporated in Cleveland, Ohio, by and through its undersigned counsel, moves this Court, pursuant to 28 U.S.C. § 1404(a), for an Order transferring this action to the Middle District of North Carolina. Transfer should be granted because Plaintiffs and the Defendant have pertinent heavy duty truck transmission offices in North Carolina, as do two of the four third-parties identified in the Complaint as having violated the antitrust laws “in concert” with Eaton.

In contrast, the district of Delaware has no connection to the facts that are allegedly at issue in this case. None of the parties manufactures or sells heavy duty transmissions or has any pertinent office or witness in Delaware, and none of the crucial third-parties buys heavy duty transmissions or has a pertinent office or witness in Delaware.

In support of its motion, Eaton relies on the attached Memorandum. Eaton requests that the Court hear oral argument on this motion.

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**CERTIFICATE OF SERVICE**

I, Jason A. Cincilla, hereby certify that on the 22<sup>nd</sup> day of November, 2006 Defendant Eaton Corporation's Motion To Transfer To The Middle District Of North Carolina was served by electronic filing or e-mail on the following counsel of record:

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ZF MERITOR LLC and MERITOR	)	
TRANSMISSION CORPORATION	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 06-623-SLR
v.	)	
	)	
EATON CORPORATION,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on the Motion of Defendant Eaton Corporation (“Eaton”) to transfer this action to the Middle District of North Carolina. In consideration of Eaton’s motion, the Court being otherwise fully advised, it is hereby:

**ORDERED** that the Motion to Transfer shall be and is hereby **GRANTED**.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Hon. Sue L. Robinson, Chief Judge